

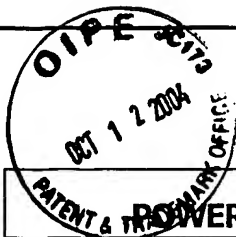


|   |                        |                  |
|---|------------------------|------------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number     | 10/690,806       |
|   | Filing Date            | October 21, 2003 |
|   | First Named Inventor   | Ronald M. Cook   |
|   | Art Unit               | 1742             |
|   | Examiner Name          | To Be Assigned   |
| Total Number of Pages in This Submission  | Attorney Docket Number | 061873-5007-US   |

| ENCLOSURES (Check all that apply)   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request (See Remarks)<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"><li>• Return postcard</li><li>• Statement Under 37 CFR 1.125 with attached Assignment As Sent to the USPTO for Recordation</li></ul> |
| Remarks   |   | The Commissioner is authorized to charge any additional fees to Deposit Account 50-0310.  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual                         | Morgan, Lewis & Bockius LLP<br>Jeffrey S. Mann<br>Reg. No. 46,690 |
| Signature                                  |   |
| Date                                       | October 8, 2004, 2004   |

| CERTIFICATE OF TRANSMISSION/MAILING  |                        |      |                 |
|--|------------------------|------|-----------------|
| I hereby certify that this correspondence is being transmitted to the USPTO via United States Postal Service first class mail, with sufficient postage an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                        |      |                 |
| Typed or printed name  | Kathryn A. Degliantoni |      |                 |
| Signature  |                        | Date | October 8, 2004 |



## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number:

**043850**

**OR**

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

| Name | Registration Number |
|------|---------------------|
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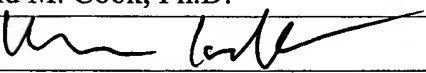
as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

**Biosearch Technologies, Inc.**  
**81 Digital Drive**  
**Novato, CA 94949**

**A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.**

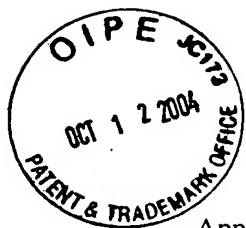
### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

|           |   |           |                |
|-----------|---|-----------|----------------|
| Name      | Ronald M. Cook, Ph.D.   |           |                |
| Signature |  | Date      | 9/22/04        |
| Title     | President and Chief Executive Officer   | Telephone | (415) 883-8400 |

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to be and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Cook et al. Confirmation No.: 9431  
Serial No.: 10/690,806 Art Unit: 1742  
Filed: October 21, 2003 Examiner: To be assigned  
For: Luminescent Metal Ion Complexes Attorney Docket No.: 061873-5007-US

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71  
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints the registered attorneys at Morgan, Lewis & Bockius LLP associated with customer no. 43850 as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71; provided that, if any one of these appointed attorneys ceases being affiliated with the law firm of Morgan, Lewis & Bockius LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence for this application to the address associated with customer no. 43850.

I am the:

- ☐ Applicant/Inventor  
☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
(Statement under 37 CFR 3.73(b) is applicable)

**Statement Under 37 C.F.R. 3.73(b)**

Biosearch Technologies, Inc. states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of:

☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:

The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: To:

The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: To:

The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments of other documents in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date:

9/27/04

ASSIGNEE:

**Biosearch Technologies, Inc.**

Signature:

Ronald M. Cook

Typed Name:

Ronald M. Cook

Position/Title:

President and CEO

Address:

Biosearch Technologies, Inc.  
81 Digital Drive  
Novato, CA 94949



Application of: See Attached Schedule A

Serial No.: See Attached Schedule A

Filed: See Attached Schedule A

For: See Attached Schedule A Attorney Docket No: See Attached Schedule A

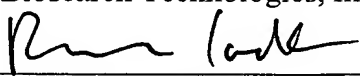
### REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

Biosearch Technologies, Inc., owner of the entire right, title and interest in, to and under the inventions listed in the attached Schedule hereby revokes all previous powers of attorney and appoints Morgan, Lewis & Bockius LLP, customer no. 43850, and each of them, its attorneys, to prosecute these matters, and to transact all business in the Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Morgan, Lewis & Bockius LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all future correspondence to the address associated with Customer Number 43850 and direct all telephone calls to Morgan, Lewis & Bockius LLP at (650) 493-4935.

|       |                      |                 |   |
|-------|----------------------|-----------------|---|
| Date: | <u>July 12, 2004</u> | Assignee:       | Biosearch Technologies, Inc.  |
|       |                      | Signature:      | <u></u> |
|       |                      | Typed Name:     | <u>RON COOK</u>   |
|       |                      | Position/Title: | <u>Pres/CEO</u>   |
|       |                      | Address:        | 81 Digital Drive<br>Novato, California 94949  |

## **SCHEDULE A**

**[U.S.]**

| <b>Serial No./Patent No:</b> | <b>Filing Date/Issue Date:</b> | <b>Title:</b>   | <b>1<sup>st</sup> Named Inventor:</b> | <b>Docket No:</b> |
|------------------------------|--------------------------------|---|---------------------------------------|-------------------|
| 09/591,185                   | June 8, 2000                   | Fluorescence Energy Transfer Probes With Stabilized Conformations | Ronald M. Cook                        | 61873-5002-US     |
| 09/567,863                   | May 9, 2000                    | Dark Quenchers For Donor-Acceptor Energy Transfer                 | Ronald M. Cook                        | 61873-5004-US     |
| 10/690,806                   | October 21, 2003               | Luminescent Metal Ion Complexes                                   | Ronald M. Cook                        | 61873-5007-US     |
| 10/824,175                   | April 13, 2004                 | Xanthene Dyes   | Mark Reddington                       | 61873-5011-US     |



PTO/SB/96 (08-03)

Attorney Docket No. 019079-001610US

Client Ref. No.:

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Ronald M. Cook, et al.Application No./Patent No.: 10/690,806Filed/Issue Date: October 21, 2003Entitled: LUMINESCENT METAL ION COMPLEXESBiosearch Technologies, Inc.a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 10, 2004

Date

(415) 883-8400

Telephone number

Ronald M. Cook, PH.D.

Typed or printed name

Ronald M. Cook

Signature

President and CEO

Title

Attorney Docket No.: 019079-001610US

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Ronald M. Cook of 7 Meadow Lane, Novato, CA 94947; Matt Lyttle of 251 B Street, Point Reyes Station, CA 94956; Mary Katherine Johansson of 867 Seaview Drive, El Cerrito, CA 94530, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: LUMINESCENT METAL ION COMPLEXES

Date(s) of execution of Declaration: 3/10/04, 3/22/04, 3/22/04, respectively

Filing Date: October 21, 2003

Application No.: 10/690,806; and

WHEREAS, Biosearch Technologies, Inc., located at 81 Digital Drive, Novato, CA 94949, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: March 22, 2004

Ronald M. Cook

Ronald M. Cook

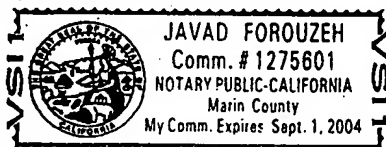
STATE OF CALIFORNIA )

COUNTY OF Marin )

ss.

On March 22<sup>nd</sup> 2004, before me, Javad Forouzeh, personally appeared Ronald M. Cook, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Javad Forouzeh  
NOTARY PUBLIC

My Commission Expires: Sept 1<sup>st</sup> 2004

Dated: 3-22-04

Matt Lytle

Matt Lytle

STATE OF CALIFORNIA )

COUNTY OF Marin )

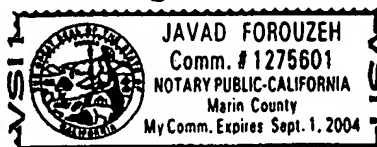
ss.

On March 22<sup>nd</sup> 2004, before me, Javad Forouzeh, personally appeared Matt Lytle, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Javad Forouzeh  
NOTARY PUBLIC

My Commission Expires: Sept 1<sup>st</sup> 2004



Dated: 3-22-04

Mary Katherine Johansson  
Mary Katherine Johansson

STATE OF CALIFORNIA     )  
                                      )  
COUNTY OF Marin     )     ss.

On March 22<sup>nd</sup> 2004, before me, Javad Forouzeh,  
personally appeared Mary Katherine Johansson, ~~personally known to me~~ (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and  
acknowledged to me that ~~he~~ she executed the same in ~~his~~ her authorized capacity, and that by ~~his~~ her  
signature on the instrument the person, or the entity upon behalf of which the person acted, executed the  
instrument.

WITNESS my hand and official seal.

J. Forouzeh  
NOTARY PUBLIC

My Commission Expires: Sept 1<sup>st</sup> 2004

